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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,421	01/23/2004	Frank W. Brice JR.	POU920030027US1	8191
46369	7590	08/09/2006	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C.			MARTINEZ, DAVID E	
5 COLUMBIA CIRCLE			ART UNIT	
ALBANY, NY 12203			PAPER NUMBER	
			2181	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,421

Applicant(s)

BRICE ET AL.

Examiner

David E. Martinez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Fritz Fleming
FRITZ FLEMING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

8/7/2006

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 27 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. With regards to claims 12, 27 and 43, the term “dynamically changing a set of I/O communications subadapters” renders the claim indefinite. It is not clear what type of “changing” is being performed. Does it mean to change to something else as in replacing an element on the fly? Does it mean to change the configuration of an element?

Due to the vagueness and a lack of clear definiteness used in the claims, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11-22, 26-38 and 42-46 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,568,648 to Coscarella et al. (hereinafter Coscarella).

2. With regards to claims 1, 16, 31 and 32, Coscarella teaches a method of enhancing input/output (I/O) connectivity of a communications environment, said method comprising:

providing a plurality of sets of I/O communications subadapters [figs 2 and 3 elements 202A-202D] to an operating system image [fig 1 element 172] of the communications

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environment [figs 1, 2 and 3A, 3B, elements 102 and 102'], said plurality of sets of I/O communications subadapters [figs 2 and 3A, elements 202A-202D] providing information [column 2 lines 8-33, and column 5 line 57 to column 6 line 15] to the operating system image [fig 1 element 172] relating to a plurality of components [figs 1, 2 and 3A, 3B, element 106 including elements 128A-128J] associated with the plurality of sets of I/O communications subadapters [figs 2 and 3A, elements 202A-202D].

3. With regards to claims 2, 17 and 33, Coscarella teaches the method of claim 1, wherein an I/O communications subadapter [fig 2 element 202C] of one set of said plurality of sets of I/O communications subadapters is associated with a component [fig 2 element 202C is associated to elements 128H and 128I] of the plurality of components [figs 1 and 2, element 106 including fig 2 elements 128A-128J], and an I/O communications subadapter [fig 2 element 202D] of another set of said plurality of sets of I/O communications subadapters is associated with the component [fig 2 element 202D is also associated to elements 128H and 128I].

4. With regards to claims 3, 18 and 34, Coscarella teaches the method of claim 2, wherein the component comprises an I/O device [figs 1, 2, 3A and 3B, elements 106 and 106' include elements 128A-128J are I/O devices – column 1 lines 29-30].

5. With regards to claims 4, 19 and 35, Coscarella teaches the method of claim 1, wherein the plurality of sets of I/O communications subadapters [fig 3A elements 202A-202D] is transparent to an operating system image not exploiting the plurality of sets of I/O communications subadapters [column 2 lines 8-33 disclose the subadapters are used by the ram or the IOP processor element 118 which are ultimately controlled to operate by the operating system].

6. With regards to claims 5, 20 and 36, Coscarella teaches the method of claim 4, wherein a default set of I/O communications subadapters is used for the operating system image not exploiting the plurality of sets of I/O communications subadapters [column 9 lines 19-35].

7. With regards to claims 6, 21 and 37, Coscarella teaches the method of claim 1, further comprising enabling use of the plurality of sets of I/O communications subadapters by the operating system image [column 9 lines 19-35].

8. With regards to claims 7, 22 and 38, Coscarella teaches the method of claim 6, wherein the enabling use comprises setting an enable indicator by the operating system image via a command executed by the operating system image [column 9 lines 19-35 – elements 202 are set to effectively store CHPIDS which when set, are enable indicators. If they aren't set then there is no element to call thus not enabled].

9. With regards to claims 11, 26 and 42, Coscarella teaches the method of claim 1, wherein a set of I/O communications subadapters of the plurality of sets of I/O communications subadapters is represented by a subchannel set identifier [column 5 line 57 to column 6 line 15 – elements 202 are tables which hold data. In order to access the tables (or the data within), the table must have some identifier to call when accessing it in order to change access or change the data within].

10. With regards to claims 12, 27 and 43, Coscarella teaches the method of claim 1, further comprising dynamically changing a set of I/O communications subadapters of the plurality of sets of I/O communications subadapters [either one of fig 2 element 202C or 202D can be used to access components 128H or 128I. The use of one subadapter could be changed to the otherone since they both access the same component].

11. With regards to claims 13, 28 and 44, Coscarella teaches the method of claim 1, wherein a set of I/O communications subadapters of the plurality of sets I/O communications

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subadapters includes a different number of I/O communications subadapters than another set of I/O communication subadapters of the plurality of sets of I/O communications subadapters [figs 2 and 3A, set element 202A is one element, and set elements 202B-202D are three elements].

12. With regards to claims 14, 29 and 45, Coscarella teaches the method of claim 1, wherein a set of I/O communications subadapters of the plurality of sets I/O communications subadapters includes a same number of I/O communications subadapters as another set of I/O communication subadapters of the plurality of sets of I/O communications subadapters [figs 2 and 3A, set element 202A and 202B are two elements, and set elements 202C and 202D are two elements].

13. With regards to claims 15, 30 and 46, Coscarella teaches the method of claim 1, wherein the plurality of sets of I/O communications subadapters [figs 2 and 3 elements 202A-202D] comprises a plurality of sets of subchannels [column 2 lines 10-12 and column 5 line 57 to column 6 line 15] and the plurality of components comprises a plurality of I/O devices [figs 1, 2, 3A and 3B, elements 106 and 106' include elements 128A-128J are I/O devices].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 23-25 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,568,648 to Coscarella et al. (hereinafter Coscarella). In view of US Patent No. 6,519,660 to Rooney.

14. With regards to claims 8, 23 and 39, Coscarella is silent as to the method of claim 1, wherein the plurality of sets of I/O communications subadapters are associated with a multiple

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image facility image coupled to a logical partition of the communications environment, said logical partition executing the operating system image. However, Coscarella teaches implementing his invention in an IBM system/390 computer which Rooney discloses to be a computer with multiple partitions, each partition executing it's own operating system for the benefit of establishing a plurality of system images, each image having elements associated to them, each image having a partition and an operating system that may be different from another operating system on another image, which allows operating different software programs using different I/O devices within the single physical machine thus operating as if it each image were a separate computer system [column 1 lines 50-60].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Coscarella and Rooney to have the plurality of sets of I/O communications subadapters be associated with a multiple image facility image coupled to a logical partition of the communications environment, said logical partition executing the operating system image for the benefit of establishing a plurality of system images, each image having elements associated to them, each image having a partition and an operating system that may be different from another operating system on another image, which allows operating different software programs using different I/O devices within the single physical machine thus operating as if it each image were a separate computer system.

15. With regards to claims 9, 24 and 40, Rooney teaches the method of claim 8, wherein the communications environment comprises a central processing complex [fig 1 element 102] having a plurality of logical partitions [fig 1 elements 108] executing a plurality of operating system images [fig 1 elements 112], said central processing complex being coupled to a plurality of multiple image facility images [fig 1 element 106 and elements 108 are all within element 102, column 4 lines 7-12], each multiple image facility image of one or more multiple

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image facility images of said plurality of multiple image facility images comprising a plurality of sets of I/O communications subadapters [fig 2 shows an image facility image comprising subadapter elements 204] for the same benefits as those show above under the claim 8 rejection.

16. With regards to claims 10, 25 and 41, Rooney teaches the method of claim 9, wherein the plurality of multiple image facility images [fig 1 element 106 and elements 108 are all within element 102, column 4 lines 7-12] are associated with one or more I/O subsystem images [images within the fig 1 element 102, column 4 lines 7-12] of an I/O subsystem coupled to the central processing complex [fig 1 element 102] for the same benefits as those show above under the claim 8 rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 7,051,188 to Kubala et al. teaches a multiple partitioned system having an operating system in each partition, and having I/O devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Martinez whose telephone number is (571) 272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz M. Fleming can be reached on 571-272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/7/2006